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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 NATHANIEL MARCUS GANN, et al.,

12 Plaintiffs,

13 vs.

14 VALLEY STATE PRISON, et al.,

15 Defendants.
16

1:19-cv-01797-GSA-PC

**ORDER STRIKING CONSENT/DECLINE
FORM FILED BY THOMAS M. J. FOX
AS IMPROPERLY FILED IN THIS CASE
(ECF No. 11.)**

**ORDER DIRECTING THE CLERK TO
SERVE A COPY OF THIS ORDER ON
THOMAS M. J. FOX**

17 Nathaniel Marcus Gann ("Plaintiff Gann") is a state prisoner proceeding *pro se* and *in*
18 *forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff Gann and
19 fourteen co-plaintiffs filed the Complaint commencing this action on December 26, 2019. (ECF
20 No. 1.)

21 Cuirrently, Plaintiff Gann is the sole plaintiff in this case. On January 7, 2020, the court
22 issued an order severing Plaintiff Gann's claims from his fourteen co-plaintiffs' claims and
23 directing the Clerk to open a new case for each of the fourteen co-plaintiffs. (ECF No. 10.) Thus,
24 each of the fourteen co-plaintiffs now proceeds with his own case and case number. Each co-
25 plaintiff was ordered to complete and file *in his own case* the court's consent/decline form
26 indicating whether he consents to or declines Magistrate Judge jurisdiction. (*Id.*)

27 On January 8, 2020, one of the co-plaintiffs, Thomas M. J. Fox ("Fox"), erroneously filed
28 a consent/decline form in this case instead of in his own new case. Fox's consent/decline form

1 in this case shall be stricken from the record as improperly filed in this case.¹ Fox is required to
2 file a consent/decline form in his new case using his own new case number, if he has not already
3 done so.

4 Based on the foregoing, IT IS HEREBY ORDERED that:

- 5 1. The consent/decline form filed in this case by Thomas M. J. Fox on January 8,
6 2020, is STRICKEN from the record as improperly filed in this case;
- 7 2. Thomas M. J. Fox is required to file the court's consent/decline form *in his own*
8 *case*, if he has not already done so; and
- 9 3. The Clerk is directed to serve a copy of this order on:

10 Thomas M. J. Fox
11 P-27417
12 Valley State Prison
13 P.O. Box 96
14 Chowchilla, CA 93610

15 IT IS SO ORDERED.

16 Dated: January 30, 2020

17 /s/ Gary S. Austin
18 UNITED STATES MAGISTRATE JUDGE
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28 ¹ "A document which is 'stricken' will not be considered by the Court for any purpose." (See
First Informational Order, ECF No. 6 at 2:7-8.)